

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Bankruptcy No. 13-13214-AMC
	:	
SUZANNE L. BOLGER,	:	Adversary No. 13-669-AMC
	:	
Debtor,	:	Chapter 13
	:	
SUZANNE L. BOLGER,	:	
	:	
Plaintiff,	:	MOTION TO COMPEL IN
	:	ADVERSARY PROCEEDING
vs.	:	
	:	
JACQUELINE MCCUSKER AND	:	
JPMORGAN CHASE BANK, NATIONAL	:	
ASSOCIATION, AS ATTORNEY IN	:	
FACT FOR THE FEDERAL DEPOSIT	:	
INSURANCE CORPORATION, AS	:	
RECEIVER OF WASHINGTON MUTUAL	:	
BANK F/K/A WASHINGTON MUTUAL	:	
BANK, FA	:	
	:	
Defendants.	:	

MOTION TO COMPEL

Pursuant to L.B.R. 7026-1(b), Defendant JPMorgan Chase, N.A. (“JPMC”), by its undersigned counsel, moves for an order compelling Plaintiff Suzanne L. Bolger (“Plaintiff” or “Bolger”) to respond to JPMC’s Requests for Production and Interrogatories served on June 30, 2016.

In support of its motion, JPMC avers the following:

1. Plaintiff filed her voluntary petition under Chapter 13 of the Bankruptcy Code on April 11, 2013. This adversary proceeding was commenced on December 24, 2013. Dkt. No. 1.

2. JPMC served Requests for Production and Interrogatories on Plaintiff on June 30, 2016. A copy of the Requests for Production and Interrogatories is attached hereto as Exhibit A. Plaintiff has not provided responses to the foregoing discovery requests or produced any of the documents requested by JPMC.

3. The parties have been engaged in settlement discussions. In order to consummate those discussions, which would involve JPMC making a loan to the Debtor to allow her to retain her residence, JPMC requires certain financial documents to enable it to underwrite the proposed loan.

4. Since February 17, 2017, Plaintiff's counsel has failed to provide the aforementioned financial documents, despite repeated requests from JPMC's counsel.

5. On April 14, 2017, JPMC's counsel sent an e-mail to Plaintiff's counsel requesting that Plaintiff provide the required financial documents on or before April 20, 2017 and, in the event that the documents were not forthcoming, that Plaintiff's counsel meet and confer pursuant to Local Rule 7026-1 with respect to Plaintiff's failure to respond to JPMC's Interrogatories and Requests for Production. A copy of that e-mail is attached hereto as Exhibit B.

6. On April 21, 2017, Plaintiff's counsel responded to JPMC's counsel's e-mail, acknowledging the delay in providing the financial documents, and stating that he would follow up with his client to obtain the documents. Plaintiff's counsel further asserted that the matter "is no longer in litigation mode" and that he did "not deem discovery requests sent almost a year ago, and before we reported the matter as basically resolved between the parties, as still outstanding." A copy of Mr. Ashodian's e-mail is attached as Exhibit C.

7. On April 25, 2017, following a brief conference with the Court, JPMC's counsel sent an e-mail to Mr. Ashodian, informing him of the Court's adjournment of the status conference until June 13, 2017, and that while JPMC remains hopeful that the matter can be resolved in the manner previously discussed by the parties, JPMC nonetheless intended to file the instant motion to compel. A copy of JPMC's counsel's e-mail is attached as Exhibit D.

8. As of the date upon which this motion is being filed, JPMC still has not received the requested financial documents or responses to its discovery requests.

WHEREFORE, JPMC respectfully requests that the Court enter an Order in the form attached hereto compelling Plaintiff Suzanne L. Bolger to respond to JPMC's Interrogatories and Requests for Production, and produce the requested documents, within twenty days of the Court's Order.

Dated: May 9, 2017

Respectfully submitted,

/s/ Lily G. Becker

Lily G. Becker (PA I.D. 313508)
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*Counsel for Defendant
JPMorgan Chase Bank, N.A., erroneously
named in the Complaint as Attorney In Fact
for the Federal Deposit Insurance
Corporation, as receiver of Washington
Mutual Bank f/k/a Washington Mutual Bank,
FA*

CERTIFICATION OF COUNSEL PURSUANT TO FED. R. CIV. P. 26.1(f)

I, Lily G. Becker, hereby certify that I have made reasonable efforts to resolve this discovery dispute with opposing counsel, but have been unsuccessful in doing so.

Date: May 9, 2017

/s/ Lily G. Becker

Lily G. Becker

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Debtor,	:	Chapter 13
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SUZANNE L. BOLGER,	:	
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Plaintiff,	:	
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vs.	:	
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JACQUELINE MCCUSKER AND	:	
JPMORGAN CHASE BANK, NATIONAL	:	
ASSOCIATION, AS ATTORNEY IN	:	
FACT FOR THE FEDERAL DEPOSIT	:	
INSURANCE CORPORATION, AS	:	
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BANK F/K/A WASHINGTON MUTUAL	:	
BANK, FA	:	
	:	
Defendants.	:	

ORDER

AND NOW on this _____ day of _____ 2017, it is hereby ORDERED that JPMorgan Chase, N.A.’s (“JPMC”) Motion to Compel is GRANTED. Plaintiff Suzanne L. Bolger shall serve full and complete responses to JPMC’s Interrogatories and Requests for Production, and produce the documents requested, within twenty (20) days of the date of this Order.

J.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May 2017, a copy of the foregoing document was filed electronically this day and is available for viewing from the Court's ECF system. Notice of this filing will be sent to all counsel of record via the Court's ECF system.

I further certify that a true and correct copy was served upon the following party via first class mail, postage-prepaid:

Jacqueline McCusker
26 Pheasant Run Road
New Hope, PA 18938

/s/ Lily G. Becker
Lily G. Becker